GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:4129
ANSWERED ON:27.03.2017
Trade Mark Applications
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Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether there is a huge backlog of trade mark applications in the country during each of the last three years and the current year;

(b) if so, the details thereof and the reasons therefor;

(c) whether the Government has notified the new Trade Mark Rules, 2017 to streamline and simplify the processing of trade mark applications in the country;

(d) if so, the details and the salient features thereof; and

(e) the other steps taken/being taken by the Government to clear the huge backlog of the said applications?

Answer

???????? ??? ?????? ???????????? (????????? ??????)(??????? ??????? ???????)
THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a) & (b): The year-wise status of filing and disposal of trade mark applications for the last three years and the current year is as under:-
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No. of Applications 2013-14 2014-15 2015-16 2016-17
(till February, 2017)
Filed 2,00,005 2,10,501 2,83,060 2,56,628
Examined 2,03,086 1,68,026 2,67,861 5,10,260
Registered 67,796 41,853 65,045 2,10,980
DISPOSAL
(including Registration) 1,04,753 83,652 90,662 2,43,009
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As is evident from the above table, the pendency of trade mark applications at the examination stage has been reduced drastically – the time taken for examination has been brought down from 13 months to less than one month. As on 28.02.2017, the total number of applications filed and pending for examination is 28,889, while the total number of pending applications at all stages is 7,92,360. The main reason for pendency has been the lack of requisite manpower.

(c) & (d): Yes, the Government has notified the new Trade Mark Rules, 2017 on 6th March, 2017 to streamline and simplify the processing of trade mark applications in the country. Some of the salient features of the new Trade Mark Rules, 2017 are as under:

â€¢ Numbers of Trade Mark (TM) Forms have been reduced from 74 to 8.
â€¢ To promote e-filing of trade mark applications, the fee for online filing has been kept at 10% lower than that for physical filing.
â€¢ 50% lower fares for filing trade mark applications by Individuals/ Startups/Small Enterprises vis-Ã -vis Companies.
â€¢ Modalities for determination and maintenance of well-known trade marks have been introduced.
â€¢ The provisions relating to expedited processing of an application for registration of a trade mark have been extended right up to registration stage (hitherto, it was only up to examination stage).
â€¢ Over all fees have been rationalized by reducing the number of entries in Schedule I from 88 to just 23.
â€¢ Modalities for service of documents from applicants to the Registry and vice-versa through electronic means have been introduced to expedite the process; e-mail has been made an essential part of address for service to be provided by the applicant or any party to the proceedings so that the office communication may be sent through email.
â€¢ Hearing through video conferencing on request has been introduced.
â€¢ Number of adjournments in opposition proceedings has been restricted to a maximum of two by each party, which will help in timely disposal of matters.
â€¢ Procedures relating to registration as Registered User of trade marks have also been simplified.
â€¢ Total numbers of Trade Mark Rules have been reduced by deleting redundant and obsolete provisions.

(e): The other steps taken by the Government to clear the huge backlog of trade mark applications include the following:-

(i) The number of Examiners of Trade Marks and Geographical Indications has been augmented.

(ii) The process of registration and renewal has been automated by uploading the Registration Certificate electronically in the Electronic Register and dispatching the same to the applicant's registered email-Id.

(iii) The processing of trade mark applications has been re-engineered by setting up of a mechanism for regular discussion among the Trade Mark Examiners and their supervisory officers.

(iv) A 'Pre-Hearing Module' devised to scrutinize cases has been introduced to ensure that show-cause hearings are not scheduled except in cases where the office objections cannot be waived on the basis of the reply submitted by the applicant and material available on record.

(v) Sensitization of the trade mark examiners has been done, enhancing quality of examination.

(vi) Online facility for filing of applications has been strengthened so as to reduce the workload at the office and also to save the time of applicants.

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